

NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR: Altamirano DATE TYPED: 2/18/03 HB _____

SHORT TITLE: Commercial Driver's License Changes SB 262/aSPAC

ANALYST: Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			See Narrative		

Duplicates SB 242 & HB 250.
Relates to other bills amending the same section of the law.

SOURCES OF INFORMATION

Responses Received From
State Highway and Transportation Department (SHTD)
Taxation and Revenue Department (TRD)
Department of Public Safety (DPS)
Administrative Office of the District Attorneys (ADA)

SUMMARY

Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment removes all references dealing with the creation of a presumption that a person under twenty-one years of age is intoxicated with a blood or breath alcohol concentration of .02. In addition, the SPAC amendment removes the newly added requirement that a breath test machine certified by the scientific laboratory of DOH is presumed to measure the breath sample based on the grams of alcohol in two hundred ten liters of breath.

The SPAC amendment also removed the discretion given to TRD to hold hearings related to SB 262 on the telephone.

Synopsis of Original Bill

Senate Bill 262 provides sanctions for drivers of commercial motor vehicles who have been convicted of railroad highway grade crossing violations and adds additional requirements for rail-

road/highway crossings. Additionally, SB 262 increases the penalties for violating out-of-service orders. SB 262 also establish per se DWI violations for individuals driving a commercial motor vehicle at point 0.04 and for individuals less then twenty-one years of age at .02

Significant Issues

SB 262 brings New Mexico into compliance with federal law.

The intent of SB 262 is to reduce all motor vehicle related crashes, injuries, and deaths by requiring higher standards for drivers with commercial drivers licenses.

The only portion of SB 262 not required by federal law is the section allowing TRD to conduct administrative license revocation hearings telephonically.

FISCAL IMPLICATIONS

If SB 262 is not enacted, the state will face the loss of \$8.4 million of Federal Highway funds this year. There will be a subsequent loss of \$16.8 million for each succeeding year of non-compliance.

In addition there is the potential loss of approximately \$5.6 million from the Motor Carrier Safety Assistance Program as well as other sanctions.

ADMINISTRATIVE IMPLICATIONS

The loss of funds and sanctions imposed would have a very negative impact on SHTD, DPS and the Motor Vehicle Division of TRD.

DUPLICATION/RELATIONSHIP

SB 262 duplicates SB 242 & HB 250.

SB 262 amends the same section of law, 66-8-102, as HB 40, HB 117, HB 139, HB 189, HB 249, HB 327, HB 335, HB 405, SB 16, SB 93, SB 99, SB 248, SB 261, SB 245, SB 266, and SB 341. All of these bills relate to DWI, but do not have conflicting language with SB 262.

TECHNICAL ISSUES

DPS notes the language in Section 10, page 8, paragraph C, paragraphs 1 thru 3 attempts to establish per se blood alcohol concentration violations. Unfortunately in Section 12 of the amendment to NMSA Section 66-8-110, the drafter reinserted language removed previously with respect to presumptions. When a per se limit is established, any language in the statute with respect to presumptions must be removed because presumptions destroy the effect of the per se language in the statute. Presumptions can be rebutted. Per se limits are by definition are not supposed to be able to be rebutted. Per se language and presumptive language are incompatible.

DW/sb